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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,603	11/09/1999	VINCENT P. LASKO	PPC-0720	6875
7590	07/12/2005		EXAMINER	
AUDLEY A CIAMPORCERO JR ESQ JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUSWICK, NJ 089337003			MATZEK, MATTHEW D	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/436,603	LASKO, VINCENT P.
	<b>Examiner</b>	<b>Art Unit</b>
	Matthew D. Matzek	1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 18 April 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 7-9 and 16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 7-9 and 16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/9/1999</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

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1. The Amendment and Remarks submitted by Applicant on 4/18/2005 have been accepted and entered into the Record. Claim 16 has been added to the Record, while claims 7-9 remain active. No new matter has been presented in the amended claims.

***Response to Arguments***

2. Applicant has amended claims 8-9 to more clearly distinguish the claimed invention and remove the indefinite language previously recited. The rejection of claims 8 and 9 under 35 USC 112, second paragraph have been withdrawn.

3. Applicant's arguments, see Remarks, filed 4/18/2005, with respect to the rejection(s) of claim(s) 7-9 under 35 U.S.C. § 102 and 103 have been fully considered and are persuasive. The applied art does not teach nor suggest the claimed geometry of the instantly claimed apertured material with the sidewalls of the apertures protruding away from the second surface and projecting outward from the first surface. Therefore, the rejections have been withdrawn. However, upon further consideration, new ground(s) of rejection are made in this Office Action.

***Response to Amendment***

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takai et al. (US 6,471,426), and further in view of Gibes et al. (US 6,380,292).

- a. Takai et al. teach a body absorbent article comprising a base layer made of hydrophilic thermoplastic synthetic resin film or nonwoven fabric with tapered apertures (Abstract and Fig.2). In Fig. 4, the first surface, (the garment facing side) is coated with an adhesive **20**, which is used to adhere flocked fibers **21**. The apertures originate in the second surface (body facing side, or top layer) and extend from said first surface to said second surface. Takai et al. is silent as to the incorporation of an additive into the adhesive composition or the use of patterned adhesive application in the applied article.
- b. Gibes et al. teach the application of a hot melt adhesive that comprises a hydrophilic surfactant (Abstract and col. 2, lines 40-45). The invention of Gibes et al. is directed for use in absorbent articles (col. 2, lines 33-46).
- c. Since Takai et al. and Gibes et al. are from the same field of endeavor, personal absorbent articles, the purpose disclosed by Gibes et al. would have been recognized in the pertinent art of Takai et al.
- d. It would have been obvious at the time of the invention was made to a person of ordinary skill in the art at the time the invention was made to modify the absorbent article of Takai with the patterned application of the hydrophilic adhesive of Gibes et al. with the motivation of directing the discharge away from the body and into the absorbent core of the article (Abstract and col. 2, lines 33-46, Gibes et al.).

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Matzek whose telephone number is (571) 272-2423. The examiner can normally be reached on 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mdm



NORCA TORRES  
PRIMARY EXAMINER